

REMARKS PREPARED FOR DELIVERY
CITY ON THE HILL OR PRISON ON THE BAY, PART III:
GUANTANAMO – THE ROLE OF THE FBI

**Hearing before the House Foreign Affairs Subcommittee on
International Organizations, Human Rights and Oversight**

June 4, 2008

OPENING STATEMENT OF CHAIRMAN BILL DELAHUNT

This hearing will come to order.

Today we continue our examination of the operation of the detention facility at Guantanamo. And how its operation has influenced the perception of the United States by the international community and the resulting consequences for American national security and our foreign policy objectives.

Years after Secretary Rumsfeld described the Guantanamo detainees as the ‘worst of the worst’ we can now conclude -- as one of our prior witnesses stated, that many are more accurately described as “the unluckiest of the unlucky.” It is crucial to understand that a majority of the detainees were the victims of a bounty system that made them easy prey for local thugs who seized an opportunity to make a quick buck. Remember that only 5% of the inmates were captured by American forces. The rest were primarily purchased from Afghanis and Pakistanis.

The fact that mistakes are made in the fog of war is understandable and -- as in any human endeavor -- are to be expected. But what is a historical American trait -- once discovered -- we acknowledge them and fix them. And if need be, we design a system that allows redress -- that embraces the rule of law in full measure -- and that shows the world that American justice is not afraid of the truth but rather seeks the truth -- however embarrassing.

However, no admission that mistakes were made is forthcoming from this White House. But this is the rule not the exception.

In response to a the Supreme Court's decision in Hamdi, they compounded their mistakes by setting up review processes at Guantanamo that makes a mockery of the American respect for the rule of law. That process, known as the Combatant Status Review Tribunals or "CSRTs" had as its sole purpose to legitimize the Administration's detention of these people. As we heard in testimony at our last hearing, I'm thinking of Lt. Col. Abraham, they were a sham.

But that wasn't the only thing ignored -- America's adherence to the rule of law was ignored --- and American values were ignored -- The treatment of these detainees -- both in Guantanamo and elsewhere is not what we expect. Today, we are going to explore in greater detail what that treatment was and who authorized it.

We heard testimony from attorneys at previous hearings about the cruel treatment to which their clients were subjected. But, now with the newly released report from the Justice Department's Inspector General on the role of the FBI in interrogations at Guantanamo and elsewhere, we now know that sleep deprivation, exposing a detainee to extreme temperature or loud music and so called short shackling them in stress positions, were fairly common occurrences at Guantanamo.

To the credit of the FBI, the majority of its agents wanted nothing to do with such practices -- And there were several high level FBI officials that spoke out against these perceived abuses. Kudos to these individuals and their bosses.

But what is important about this report is not just that it confirms that abuse occurred, but that it was sanctioned at the highest levels of government. How else do we explain that when the FBI took their concern to the NSC, as the report states, nothing happened? How else do we explain that when Attorney General Ashcroft

himself apparently raised the issue with National Security Adviser Rice, nothing changed? How could the complaints of even the Attorney General fall on deaf ears?

One senior FBI official Spike Bowman, wrote in a 2003 email about abusive interrogation: "Beyond any doubt, what they are doing (and I don't know the extent of it) would be unlawful were these enemy prisoners of war." -- It would be unlawful if they were enemy POWs. But who was on the receiving end of this mistreatment? The vast majority of the people at Guantanamo aren't the so called "high value" detainees -- those the Administration asserts aren't entitled to POW status. As I said earlier, the vast majority of these men appear to have been turned over to the US in exchange for money. Many of these people had nothing to do with armed conflict or terrorist activities! -- If treating POWs this horribly would be unlawful, what about treating innocent people this way ?

And some -- like the Uighurs, a persecuted minority in China -- have already been acknowledged by the Administration to be innocent! But that hasn't stopped the military from labeling the Uighurs as enemy combatants and subjecting them to extreme temperatures as well as to the practice known as the "frequent flyer program"-- That's when you wake someone up every fifteen minutes the night before being interrogated. Of course, that's wasn't the worst of it -- We let the Chinese Secret Police interrogate the Uighurs! We permitted secret police from the China to come to Guantanamo and question these Uighurs --whose only crime was that they wanted to be free of Chinese totalitarianism.

Let's be clear about what is at stake here -- the damage from Guantanamo goes well beyond the pain and suffering of these individuals and their families. But Guantanamo has singlehandedly dealt a blow to the nation's image in the world that will take decades to address.

And the consequences to our national interest are serious. The State Department's own Advisory Group on Public Diplomacy for the Arab and Muslim World

concluded that “hostility toward the U.S. makes achieving our policy goals far more difficult.” But the injury is not limited to the Middle East. As a 2005 GAO report concluded, a poor reputation seriously undermines our ability to pursue our foreign policy objectives across the field.

It is well past time for the Bush Administration to deal with its mistakes. And I am sure this hearing will help us determine what steps we can take to address those mistakes.

Let me now turn to my friend and colleague, Mr. Rohrabacher, for any statements he may care to make.